



Atty. Dkt. No. 029318-1001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Douglas HOVEY et al.

Title: NOVEL FLUTICASONE
FORMULATIONS

Appl. No.: 10/768,194

Filing Date: 2/2/2004

Examiner: K.M. George

Art Unit: 1616

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.132

We, Douglas Hovey, Tuula Ryde, and H. William Bosch do hereby declare and state as follows:

1. We are the inventors of the subject matter claimed in U.S. patent Application No. 10/768,194 ("the captioned application"), e.g., fluticasone formulations comprising particles of fluticasone or a salt thereof having an effective average particle size of less than about 2000 nm.

2. Commonly owned and co-pending U.S. patent Application No. 10/357,514 (the '514 application) was filed on February 4, 2003, and names Christian F. Wertz and Niels P. Ryde as inventors (the inventive entity). The '514 application is directed to the use of lysozyme as a surface stabilizer for active agents. Example 8 of the application describes a nanoparticulate dispersion of fluticasone propionate utilizing lysozyme as a surface stabilizer. To the extent that the '514 application may teach or suggest the invention claimed in the captioned application, that information was derived from the inventors of the captioned application and was not invented by the inventive entity of the '514 application.

3. We further declare that all statements made in this declaration of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of legal decisions of any nature based on them, including the validity of any patent issuing from the captioned application.

Douglas Hovey

Date

Tuula Ryde

Date

H. William Bosch

Date